

## **REMARKS**

### **I. FORMAL MATTERS**

#### **A. Priority Documents**

Applicant notes with appreciation the Examiner's acknowledgement of claim for priority under 35 U.S.C. § 119 and receipt of certified copies of priority documents.

#### **B. Information Disclosure Statements**

Applicant notes with appreciation the Examiner's inclusion in the Office Action copies of the PTO SB-08 Forms that were submitted in the Information Disclosure Statements filed on January 5, 2007 and January 18, 2007. Each of the references listed therein is initialed by the Examiner, thereby indicating that these references were considered by the Examiner and will be listed on the face of any patent that issues from the present application.

### **II. PRIOR ART REJECTION**

Claims 49-92 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,711,408 to Raith ("Raith"). This rejection is traversed at least because Raith does not teach or suggest determining an operational context as a profile of applications being executed in the mobile device before or at the time of pro-active

deployment of the handover decision mechanism, as recited by claim 49 and by claim 70. Furthermore, Raith does not teach or suggest proactively deploying a handover decision mechanism in relation to the at least one handover and according to an operational context into a subsystem of the mobile communication environment executing the handover, as recited by claim 49 and by claim 70.

Contrary to Raith, the present invention relates to a method of assisting at least one handover for a mobile device in a mobile communications environment with a plurality of access points. Independent claim 49, on which claims 50-69 depend, includes the following steps: determining an operational context as a profile of applications being executed in the mobile device before or at the time of pro-active deployment of the handover decision mechanism; proactively deploying a handover decision mechanism in relation to the at least one handover and according to an operational context into a subsystem of the mobile communication environment executing the handover; and determining at least one new access point for the mobile device using the deployed handover decision mechanism.

Independent claim 70, on which claims 71-92 depend, is directed to an apparatus that includes an application profile unit that is adapted to determine an operational context as a profile of applications being executed in the mobile device before or at the time of pro-active deployment of the handover decision mechanism, and a pro-active deployment unit adapted to pro-actively deploying a handover decision mechanism in relation to the at least one handover and according to an operational

context into a subsystem of the mobile communication environment executing the handover.

In contrast, Raith describes a fixed handoff method that is not proactively deployed based on the operational context, the profile of applications executed by the mobile device before or at the time of deployment of a handoff decision mechanism, and is not proactively deployed into a subsystem of the mobile communication environment. Instead, Raith merely describes a fixed implementation of a method for executing handoffs on a mobile communication network (see Raith, col. 6, lines 31-54). The mobile communication network monitors the position of a mobile terminal moving within the coverage areas and attempts to match the position to one of the stored route positions. *Id.* If a match is found, the network can execute a handoff to an access point stored for the route position (see Raith, col. 6, line 55 through col. 7, line 20).

Raith simply does not teach proactively deploying a handover decision mechanism in relation to at least one handover and according to an operational context as a profile of applications being executed in the mobile device before or at the time of proactive deployment of a handover decision mechanism. The operational context recited in claim 1 could be, for example, a profile of a mobile device user, mobile communications bandwidth or load, or the operational parameters of access points including signal strength (see as-filed specification at, for example, page 21, line 30, through page 22, line 5, and page 20, lines 16-21). Thus, proactive deployment could include determining the best next access point according candidate access points which can best accommodate usage preferences of the mobile terminal (see as-filed

specification at, for example, page 19, lines 15-16). However, because the fixed method in Raith does not consider operational context, it could not be used to determine the best next access points in this way.

Moreover, Raith does not teach the determination of an operational context as profile of applications. The profile of applications recited in claim 1 may be, for example, video services, data services, speech services, text services, etc. (see as-filed specification at, for example, page 21, lines 20 - 28). Thus, if a mobile terminal uses data services to large extent, then optimal candidate access points would be those that best handle data services, such as an access point related to a WLAN (see as-filed specification at, for example, page 21, line 30, through page 22, line 5). However, because the fixed method in Raith does not consider the profile of applications, it could not be used to determine optimal candidate access points in this way.

Further, Raith does not teach proactively deploying a handover decision mechanism into a subsystem of the mobile communication environment executing the handover. For example, the subsystem of the mobile communication environment recited in claim 1 can include any network node in the mobile communication environment or a mobile terminal to assist in the handover decision (see as-filed specification at, for example, page 23, lines 1-9). The handover decision could be based on the operative aspects of the subsystem, for example, signaling or existing communication links (see as-filed specification at, for example, page 23, lines 18-23). However, because the fixed method in Raith does not deploy a handover decision

mechanism into a subsystem of the environment, it could not be used execute handover decisions in this way.

Therefore, Applicant submits that Raith does not teach or suggest each and every feature of claims 49-92. Therefore, Applicant submits that claims 49-92 are not anticipated by Raith. Thus, Applicant submits that the rejection of claims 49-92 under 35 U.S.C. § 102(e) is improper and should be withdrawn.

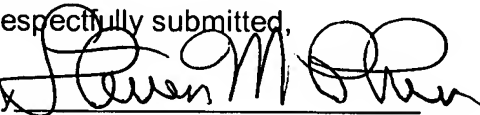
**CONCLUSION**

Accordingly, Applicant submits that the present application is now in condition for allowance. If the Examiner believes that any outstanding issues can be resolved through a telephone interview, Applicant respectfully requests the Examiner to contact the undersigned at the telephone number provided below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

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Respectfully submitted,

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